

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814  
(916) 445-6410



March 19, 1986

ALL-COUNTY LETTER NO. 86-23

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY COUNSELS

SUBJECT: PRELIMINARY INJUNCTION REQUIRES CWD's TO PROVIDE RELATIVE FOSTER  
PARENTS WITH WRITTEN NOTIFICATION OF FINANCIAL CONSEQUENCES OF  
A CHANGE IN CUSTODIAL STATUS

REFERENCE: ALL COUNTY LETTER NO. 85-68

The attached Stipulation and Order regarding the Preliminary Injunction agreed to by the Department of Social Services (DSS) and plaintiffs in King v. McMahon requires DSS to notify all county welfare departments (CWD's) of the provisions of this Order. This Order is intended to ensure that relative foster parents are not required to change their custodial status from foster parents to legal guardians. This Order is also to ensure that relative foster parents are provided with financial information concerning such a change in custodial status.

As you are aware, a foster child's eligibility for federally-funded AFDC-FC benefits ceases when a relative foster parent secures a change in custodial status from foster parent to legal guardian of a minor child placed in the relative foster home as the result of a court dispositional order.

The key provision of this Order requires CWD's to provide to the relative foster parent prior to the change occurring, full written disclosure of the financial consequences of a change in custodial status from foster parent to legal guardian.

CWD's must use the attached financial disclosure form to provide relatives with information about the AFDC-FC payment amount they are entitled to as foster parents and the AFDC-FG payment amount they will receive if they become legal guardians. In addition the written disclosure statement shall be signed by the relative foster parent and maintained in the child's case file; a copy of the written statement shall be given to the relative foster parent. (Special attention should be given to paragraph 4 of the attached Order.)

CWD's can order the financial disclosure forms from the DSS Warehouse.

Please direct any questions on this topic to your Adult and Family Services Operations Consultant at (916) 445-0623.



LOREN D. SUTER  
Deputy Director  
Adult and Family Services Division



ROBERT A. HOREL  
Deputy Director  
Welfare Program Operations Division

Attachment

cc: CWDA

COMPLETE IN DUPLICATE:

**AGENCY-RELATIVE FOSTER PARENT  
FINANCIAL DISCLOSURE**ONE COPY TO: Relative Foster Parent  
Child's Social Services RecordNOTE: THIS FINANCIAL DISCLOSURE MUST BE COMPLETED PRIOR TO ANY CHANGE IN CUSTODIAL STATUS OF  
RELATIVE FOSTER PARENT.

|               |        |  |
|---------------|--------|--|
| NAME OF CHILD | SAMPLE |  |
| DATE PLACED   | SAMPLE |  |

*I understand that I am not required to change custodial status from relative foster parent to legal guardian.*

*I understand that by changing custodial status from a relative foster parent to a legal guardian, the above named foster child will not be eligible for an Aid to Families with Dependent Children-Foster Care (AFDC-FC) payment but will be eligible for an Aid to Families with Dependent Children-Family Group (AFDC-FG) payment. I further understand that a change in custodial status will result in a decrease in benefits. My current AFDC-FC payment is \$ \_\_\_\_\_ per month and after I change my custodial status to legal guardian my AFDC-FG payment will be \$ \_\_\_\_\_ per month. The decrease in my benefit level (payment) will start on \_\_\_\_\_.*

*I have read the foregoing and agree that all information herein contained is accurate.*

|                                  |  |   |  |
|----------------------------------|--|---|--|
| SIGNATURE OF SOCIAL WORKER:<br>▶ |  | SIGNATURE OF RELATIVE FOSTER MOTHER:<br>▶ |  |
| TITLE/AGENCY:                    |  | SIGNATURE OF RELATIVE FOSTER FATHER:<br>▶ |  |
| ADDRESS                          |  | ADDRESS:                                  |  |
| TELEPHONE NUMBER:<br>( )         |  | TELEPHONE NUMBER:<br>( )                  |  |
| DATE:                            |  | DATE                                      |  |

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6 San Francisco, California 94102  
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8 TRICIA BERKE VINSON  
9 LEGAL AID SOCIETY OF SAN MATEO COUNTY  
10 298 Fuller Avenue  
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13 ELIZABETH R. ARNOLD  
14 CONTRA COSTA COUNTY LEGAL SERVICES FOUNDATION  
15 1017 MacDonald Avenue, P.O. Box 2289  
16 Richmond, California 94802  
17 Telephone: (415) 233-9953

18 Attorneys For Petitioners

19 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

20 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

21 KEITH KING, JR., SHANTEE KING, minors, by and ) NO. 786 370  
22 through their guardian ad litem MILDRED )  
23 MARTIN; KENNETH MARTIN; MILDRED MARTIN; JEWELL ) STIPULATION  
24 FISHER, LASHAWN FISHER, CASSANDRA FISHER, ) AND ORDER RE:  
25 YOLANDA FISHER, minors, by and through their ) PRELIMINARY  
26 guardian ad litem ELEANOR HALLMAN; ELEANOR ) INJUNCTION  
27 HALLMAN; GREGORY WRIGHT. SANDRA WRIGHT. PAMELA )  
28 WRIGHT, minors, by and through their guardian )  
ad litem DOROTHY SMITH; JOHN WRIGHT; DOROTHY )  
SMITH; BESSIE STEWART, HERMAN STEWART, DESMONA )  
STEWART, MARY STEWART, minors, by and through )  
their guardian ad litem OENA STEWART; OENA )  
STEWART; ANTHONY LOVE, TAMMY TAYLOR, RICHARD )  
TAYLOR, minors, by and through their guardian )  
ad litem HALLEAN LOVE; CLARENCE and HALLEAN )  
LOVE; individually and on behalf of all )  
others similarly situated. )

29 Petitioners and Plaintiffs, )

30 vs. )

31 LINDA McMAHON, Director, Department of Social )  
32 Services, State of California; DAVID B. SWOAP. )  
33 Secretary, Health and Welfare Agency, State of )  
34 California, DOES I through LXX inclusive, )

35 Respondents and Defendants. )

36 STIPULATION AND ORDER RE: PRELIMINARY INJUNCTION 1

ENDORSED

FILED  
San Francisco County Superior Court

DEC 11 1981

DONALD W. DICKINSON, Clerk  
BY Charles M. White  
Deputy Clerk

1  
2 The parties to the within action hereby agree, by and  
3 through their respective attorneys, to the entry of a preliminary  
4 injunction to resolve the issues raised by Petitioners' Motion  
5 For Provisional Injunctive Relief as follows:

6 1. A change in custodial status of a foster parent, from  
7 foster parent to legal guardian of minor children placed in the  
8 foster home by a dispositional order, has the effect of  
9 eliminating the basis of the foster child's eligibility for  
10 federally-funded AFDC-FC benefits. The purpose of this  
11 stipulation is to clarify the circumstances under which county  
12 welfare departments (or other county agencies under respondents'  
13 supervision) should, in permanency-planning procedures, recommend  
14 long-term foster care as an alternative to legal guardianship or  
15 adoption when the foster child has been placed in foster care  
16 with non-legally-liable relatives and is receiving federal foster  
17 care benefits.

18 2 During the pendency of respondents' appeal of the Order  
19 entered by this Court on September 4, 1984, and until a final  
20 decision on such appeal, respondents are restrained from  
21 requiring county welfare departments or any local agencies under  
22 respondents' supervision to change the custodial status of a  
23 foster parent to legal guardianship, where (i) the affected child  
24 is receiving or is eligible for federally-funded Aid to Families  
25 with Dependent Children - Foster Care (AFDC-FC); (ii) the  
26 affected foster child is placed with foster parents who are non-  
27 legally-liable relatives; (iii) the related foster parents are  
28

1 willing and capable of providing a stable and permanent  
2 environment; and (iv) removal from such foster parents would be  
3 seriously detrimental to the emotional well-being of the minor  
4 because the minor has substantial psychological ties to the  
5 foster parents.

6 3. During the pendency of respondents' appeal of the Order  
7 entered by the Court on September 4, 1984, respondents are  
8 restrained from allowing county welfare departments or other  
9 local agencies under respondents' supervision, to request without  
10 full written disclosure of the financial consequences, or to  
11 pressure, coerce or force the related foster parents to change  
12 custodial status from foster parents to legal guardian. where the  
13 child is receiving or is eligible for federally-funded AFDC-FC  
14 and where the affected foster child is placed with foster parents  
15 who are non-legally-liable relatives.

16 4. Within thirty days of the entry of this Order,  
17 respondents shall issue a directive to all county welfare  
18 departments, county child welfare, child services, child  
19 protective services or similar departments in the State of  
20 California administering any aspect of the AFDC-FC programs under  
21 respondents' supervision, directing compliance with all the  
22 provisions of this Order; and further directing that in every  
23 case in which a related foster parent of a child receiving  
24 federally-funded AFDC-FC benefits is asked or requests or  
25 advises the county welfare department of an intention to undergo  
26 a change of custodial status from foster parent to legal  
27 guardianship: prior to the change occurring the foster parent  
28

1 shall be provided with a written statement fully disclosing the  
2 effect of such change in custodial status on the amount and  
3 nature of benefits received by or for the foster child. Such  
4 written statement shall be signed by the foster parent and  
5 maintained in the case file; a copy shall be provided to the  
6 foster parent. If necessary the written statement shall be  
7 translated into the language spoken by the foster parent.

8 Dated: 12-4-85

Stephanie Wald  
STEPHANIE WALD  
Deputy Attorney General  
Attorneys for Respondents

11 Dated: 11-26-85

Phyllis E. Andelin  
SAN FRANCISCO NEIGHBORHOOD  
LEGAL ASSISTANCE FOUNDATION  
PHYLLIS E. ANDELIN  
Attorneys for Petitioners

15 IT IS SO ORDERED

16 Dated: DEC 11 1985

STUART R. POLLAK  
STUART R. POLLAK  
Judge of the Superior Court